

Serial No.: 09/867,058

Attorney Docket No.: 1998P7511US01

REMARKS

Upon entry of the instant amendment, claims 1-20 and 27 and 28 are pending. Claims 21-26 have been canceled. Claims 1 and 27 have been amended to more particularly point out applicants' invention. Claims 13 and 14 have been amended into independent form. Claims 2, 6, and 27 have been amended to overcome the section 112 rejection. The specification has been amended to update the parent application and priority claim. No new matter has been added.

The present application is a divisional of U.S. Patent Application serial No. 09/073,099, now U.S. Patent No. 6,556,666. Claims 21-26, of claim group II in the parent application, were canceled without prejudice in the divisional filing papers. The remaining claims, claims 1-20 and 27-28, are from members of claim group I in the parent case.

Applicants note that an Information Disclosure Statement referencing the art cited in the parent case was filed with this divisional application, but was not included as having been considered with the instant Office Action. A copy of the PTO-1449 is attached; consideration is hereby requested.

Claims 1, 6, 21, and 27 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out Applicants' invention. Claim 21 has been canceled. Claim 6 has been amended to add the term "occupy." Claim 2 has been amended to recite "said one or more messages." Applicants are unclear as to the source of the rejection of claim 1. The claim distinctly recites "one or more messages" that are stored in "a mailbox," and "one or more notification messages" that may be generated by the "message transmittal unit." Claim 1 nowhere recites merely "the messages." As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1-28 were rejected under 35 U.S.C. 102(b) as being unpatentable over Mohler, U.S. Patent No. 5,506,872 ("Mohler"). Claims 21-26 have been canceled.

In order for there to be anticipation, each and every element of the claimed invention must be present in a single, prior reference. Applicant respectfully submits that the claimed invention is not taught, suggested, or implied by Mohler.

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In particular, an aspect of the present invention is to provide notification to the user of status changes with regard to the user's mailbox. Such status changes can include, for example, whether the mailbox can accept new messages. The system serially sends a notification message or messages of such a status to preprogrammed coordinates, serially using different media formats (i.e., media blending), if necessary. For example, the notification may be provided by a flashing light, facsimile, pager message, or e-mail. Thus, claim 1 has been amended to recite "a message transmittal unit configured to automatically enable one or more notification messages to be generated and serially sent to a plurality of locations in response to said capacity calculator determining that the amount of space occupied by said one or more messages exceeds a predetermined threshold;" and claim 27 has been amended to recite "automatically enabling one or more notification messages to be generated and serially sent to a plurality of locations in response to determining that the amount of space occupied by said one or more messages exceeds a predetermined threshold."

In contrast, Mohler merely provides that a user can specify a message and a single "out-calling number," which may be a fax, voice, electronic mail, paging, etc. However, Mohler does not provide for, or even hint at, a capability of serially sending a plurality of notification messages, as generally recited in the claims at issue.

Furthermore, Applicants note that, with particular reference to claims 13 and 14-16, Mohler nowhere even hints that a notification message can be signified by changing a cadence of a message waiting light or by changing a dial tone. Contrary to the suggestion in the Official Action, such notification not provided for in the relied on Col. 4, lines 20-43. Further, while the rejection of claim 13 relies on "design choice," applicants note that Mohler relates to "out-calling" to a prescribed telephone number, which is not a characteristic involved in changing a cadence of a message waiting light or changing a dial tone. Thus, even assuming that Mohler teaches all other elements of the claims, more than mere design choice is involved in the notification methods of claims 13 and 14-16.

As such, the Examiner is respectfully requested to reconsider and withdraw the rejections of the claims.


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For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

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